

Appl. No. 09/851,362
Amdt. dated Dec. 15, 2003
Reply to Office Action of Aug. 27, 2003

REMARKS

Entry of this amendment and reconsideration of the present application as amended is respectfully requested.

Claims 1-6, 8, 9, 11-20, 22-24 and 26-31 are presently active in this application, claims 7, 10, 21 and 25 having been cancelled. Claims 1, 9, 11, 12, 19, 23, 26 and 27 are amended. Unless an argument is made below to distinguish a claim over the cited prior art based on a change to the claims, the changes to the claims do not relate to patentability.

In this amendment, independent claim 1 is amended to include the subject matter of claim 10, claim 9 is rewritten in independent form and independent claim 19 is amended to include the subject matter of claim 25. As claims 10 and 25 were previously considered by the Examiner, no new issues are raised.

Initially, it is respectfully submitted that the finality of the Action is premature and was not necessitated by the applicant's amendments to the claims. In the previous Amendment, independent claim 1 was amended to include the subject matter of claim 7 while independent claim 19 was amended to include the subject matter of claim 21. Both claims 7 and 21 were previously considered by the Examiner. Also, the rejections of the claims in the final Action include a reference which was not previously made of record, the Uehara reference. Thus, the finality of the Action was not necessitated by the amendments to the claims and therefore should be withdrawn.

Claims 1-4, 8-18 and 30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Scully (US. Patent No. 6,363,326) in view of Uehara (U.S. Patent No. 5,808,728).

The Examiner's rejection is respectfully traversed in view of amendments to independent claim 1. Claim 1 now includes the subject matter of claim 10 and recites that the processor is arranged to create a three-dimensional representation of a portion of the environment surrounding the vehicle. This feature is described in the specification, for example, at page 29, lines 5-30. Features are extracted from this representation or map and used to generate icons to be displayed on a display (see Fig. 11 and as set forth in claims 11 and 12).

Scully and Uehara do not disclose, teach or suggest this feature. With respect to claim 10, the Examiner did not make any remarks regarding the creation of a three-dimensional representation or map. It would not be obvious to use the processor to create a three-dimensional representation or map in view of Scully and Uehara because these references do not mention anything to be gained by the creation of a representation or map, i.e., there is no disclosure of a subsequent feature extraction from this representation or map to generate icons to be displayed in a display. Thus, one skilled in the art would

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have no teaching or motivation to create a three-dimensional representation or map in view of any purported teachings of Scully and Uehara.

With respect to claim 9, which is now an independent claim specifying that the processor utilizes a neural network to identify the object from which light is reflected, the Examiner remarked that it would have been obvious to know that the control unit can be used to utilize a neural network. However, whether the control unit can be used to utilize a neural network is not believed to be the crux of an obviousness analysis. Rather, the issue is whether it would have been obvious to use a network and since Uehara does not disclose, teach or suggest trained pattern recognition techniques to identify the object, it certainly cannot support a position that it would have been obvious to use a particular form of a trained pattern recognition technique (a neural network) to identify an object.

In view of the changes to claim 1 and the arguments presented above, it is respectfully submitted that the Examiner's rejection of claims 1-4, 8-18 and 30 under 35 U.S.C. §103(a) as being unpatentable over Scully in view of Uehara has been overcome and should be removed.

Claims 19, 20, 22, 23, 25-29 and 31 were rejected under 35 U.S.C. §103(a) as being unpatentable over Scully in view of Uehara and further in view of Spies (U.S. Patent No. 5,247,296).

The Examiner's rejection is respectfully traversed in view of amendments to independent claim 19. Claim 19 now includes the subject matter of claim 25 and recites that the processor is arranged to create a three-dimensional representation or map of a portion of the environment surrounding the vehicle based on the infrared light received by the receiver means.

As argued above, Scully and Uehara do not disclose, teach or suggest this feature. Spies also does not disclose this feature. Since none of the cited references disclose all of the features now set forth in claim 19, they cannot be combined to render the claimed invention obvious.

In view of the foregoing, it is respectfully submitted that the Examiner's rejection of claims 19, 20, 22, 23, 25-29 and 31 under 35 U.S.C. §103(a) as being unpatentable over Scully in view of Uehara and Spies has been overcome and should be removed.

Claims 5 and 6 were rejected under 35 U.S.C. §103(a) as being unpatentable over Scully in view of Uehara and Smith et al. (U.S. Patent No. 6,281,806).

Claim 24 was rejected under 35 U.S.C. §103(a) as being unpatentable over Scully in view of Uehara, Spies and Smith et al.

As noted in the prior Amendment, Smith et al. should not be available as prior art against the patentability of claims 5, 6 and 24. The present application claims the benefit of U.S. provisional patent application Ser. No. 60/202,424 filed May 8, 2000 under 35 U.S.C. §119(e) as set forth in the

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specification at page 1, lines 6-7. Smith et al. issued from U.S. patent application Ser. No. 09/689,411 filed October 12, 2000 after the filing date of the '424 provisional application. Therefore, Smith et al. should not be available as prior art against the patentability of claims 5, 6 and 24.

If the Examiner should determine that minor changes to the claims to obviate informalities are necessary to place the application in condition for allowance, the Examiner is respectfully requested to contact the undersigned to discuss the same.

A petition for a one-month extension to extend the time for response to the Office Action for one month from November 27, 2003 to December 27, 2003 is submitted herewith. *per [unclear]*

An early and favorable action on the merits is earnestly solicited.

FOR THE APPLICANTS
Respectfully submitted,

[Signature]
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